

REMARKS

The following is responsive to the office action of October 19, 2005.

In order to expedite prosecution, applicants have cancelled the non-examined claims.

Applicants confirm the election as set forth on pages 1-3 of the office action.

The term “modified,” in the context of this invention, introduces no indefiniteness to the claims. Claim terms are to be read in light of a patent specification and not in the abstract. Whereas it might be arguable that the subject term in the abstract could encompass various kinds of modifications as alleged by the examiner, this is not a reasonable interpretation once the specification is consulted, as required. What is being claimed is unmistakably clear once the specification is consulted because the descriptor “modified” adds no indefiniteness to the claims because of the thorough explanation contained in the specification. Further in this regard, applicants wish to point out that this very same term is employed in the peer reviewed publication corresponding to this invention (Circulation 1999; 99: 682-689). In the latter, the heparin of this application is termed “chemically modified.” No objections were made to such term during the peer review process, clearly reflecting the fact that skilled workers in this field do not find it in any way indefinite in the context of this invention.

Whereas it may be true in some fields that prevention of certain disease conditions might raise enablement questions, this is clearly not the case when it comes to the use of heparin products for preventing the formation of a thrombus, etc., as set forth in the claims being rejected on this basis. Heparin has long been used in patients who are at risk for developing a thrombus. This is so well known as not even to be contestable, it is respectfully submitted. However, the following is exemplary proof of this fact.

Heparins are widely used for prevention of venous thrombosis in medical or surgical patients as evidenced by current practice guidelines (Geerts WH, et al. Chest 2004;126:338-400).

Heparins also are used for treatment of venous thromboembolism (Buller HR, Chest 2004;126:401-428), acute coronary syndromes, and in patients undergoing percutaneous coronary procedures (Harrington RA, Chest 2004;126:513-548 and Popma JJ, Chest 126:576-599). Other uses include hemodialysis and cardiopulmonary bypass surgery.

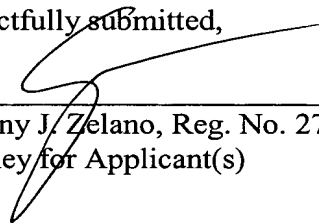
These established facts rebut all of the contentions made by the examiner under the guise of the "Wands factors." The wide acceptability of using heparin products for prevention of thrombus formation shows that, to the extent any particular factor has any relevance to the enablement issue involved in this application, it does not raise a serious enablement issue with respect to this invention. Thus, no point-by-point rebuttal of the examiner's allegations is necessary in view of the well established state of the art of using heparin products to prevent thrombus formation.

It is believed that the examiner has ready access to all of the publications referenced in this response. However, should the examiner desire copies of any, applicants will be happy to oblige.

In order to render the obviousness-type double patenting rejection moot, applicants are providing a terminal disclaimer.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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